

VZCZCXYZ0001
RR RUEHWEB

DE RUCNDT #0905 2862156
ZNR UUUUU ZZH
R 132156Z OCT 09
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 7339

UNCLAS USUN NEW YORK 000905

SIPDIS

E.O. 12958: N/A

TAGS: [PREL](#) [ETRD](#) [EINV](#) [UNGA](#)

SUBJECT: SIXTH COMMITTEE: DEBATE ON UN COMMISSION ON
INTERNATIONAL TRADE LAW (UNCITRAL)

¶1. Summary: On October 12, the Sixth Committee discussed the Report on the United Nations Commission on International Trade Law (UNCITRAL). Soo-Geun Oh, Chairman of UNCITRAL, summarized the activities of the 42nd session of UNCITRAL on June 29-July 17. Following the opening remarks, twenty-one Member States (including the United States) commented on UNCITRAL issues such as the conclusion of a Practice Guide on Cross Border Insolvency Cooperation, revision of procurement laws, and the signing of the Rotterdam Rules.

¶2. In his address, UNCITRAL Chairman Soo-Geun Oh highlighted the successes of the 42nd session of UNCITRAL, including the completion and adoption of a Practice Guide on Cross Border Insolvency Cooperation as well as the ongoing review of laws on the Procurement of Goods, Construction and Services. He noted that some delegations were not able to attend the sessions due to funding availability and urged Member States to donate to the fund to help poorer countries attend the meetings.

¶3. Most Member States expressed their support for the conclusion and approval of the Practice Guide on Cross Border Insolvency Cooperation on Cross Border Insolvency Cooperation. Other issues that received positive remarks were the revisions of the Arbitration Rules of 1976 and the Model Law on Procurement of Goods, Construction and Services.

More than half of the speakers advocated for the Rotterdam Rules (The Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea) and urged others to sign on (only one more signature is needed for it to enter into force). Many speeches focused on the benefits of UNCITRAL and the harmonization of laws.

¶4. Singapore, France, Cameroon, and Greece commented that UNCITRAL requires a review of working methods with the swell of non-member States and NGO observers in the Commission. France stated it will be introducing a resolution on the topic soon to define the rights of observers and to clarify the term "consensus." The USG expressed its firm support for the Commission's substantial majority" view of consensus as opposed to unanimity (no objection) and stressed the important role of technical NGO observers in providing a real world perspective on UNCITRAL initiatives. Some speakers called for UNCITRAL to expedite its work as some issues have languished for several years.

¶5. The developing countries requested an increase in technical assistance from developed countries and UNCITRAL. Several Member States echoed Chairman Soo-Geun Oh's disappointment that some delegations could not make the latest UNCITRAL meeting.

¶6. Member States that addressed the Sixth Committee included: Austria, Norway, Switzerland, Australia, Belarus, China, Indonesia, Singapore, Malaysia, South Korea, United States, Thailand, Cameroon, Canada, France, Russian Federation, Japan, Greece, Venezuela, Pakistan, and Iran. Copies of most of the speeches are available and can be faxed upon request.
RICE